

SUBSTITUTE FOR
HOUSE BILL NO. 4720

A bill to amend 1895 PA 3, entitled
"The general law village act,"
by amending section 6 of chapter XIV (MCL 74.6) and by adding
sections 6b, 6c, and 6d to chapter XIV.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XIV

1
2 Sec. 6. (1) ~~Whenever the council of any village shall~~
3 ~~determine~~ SUBJECT TO SECTION 6B OF THIS CHAPTER AND EXCEPT AS
4 OTHERWISE PROVIDED IN SUBSECTION (6), IF THE COUNCIL DETERMINES
5 by resolution to alter the boundaries of ~~such~~ THE village,
6 either by ~~taking in lands and premises~~ ANNEXING TERRITORY
7 adjoining ~~thereto~~ THE VILLAGE or by ~~taking out any lands and~~
8 ~~premises~~ DETACHING TERRITORY included in ~~such~~ THE village, or
9 both, ~~they~~ THE COUNCIL shall petition the COUNTY board of
10 ~~supervisors~~ COMMISSIONERS of the county in which ~~such lands~~

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Sub. HB 4720 (H-1) as amended December 12, 2001

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1 ~~and premises affected thereby are~~ THE TERRITORY IS situated to
2 make ~~such~~ THAT change. ~~Such~~ THE PETITION SHALL BE SIGNED BY
3 THE PRESIDENT AND CLERK OF THE VILLAGE. THE petition shall
4 ~~contain a~~ INCLUDE ALL OF THE FOLLOWING:

5 (A) A description by metes and bounds of the ~~lands and~~
6 ~~premises~~ TERRITORY proposed to be ~~added to or taken out of such~~
7 ~~village, and shall set forth the~~ ANNEXED OR DETACHED.

8 (B) THE reasons for the proposed BOUNDARY change. ~~, and~~
9 ~~shall contain a~~

10 (C) A copy of the resolution of the council in relation
11 ~~thereto, and shall be signed by the president and clerk of such~~
12 ~~village~~ TO THE BOUNDARY CHANGE.

13 (2) Before ~~such~~ THE petition ~~shall be~~ IS presented to
14 the COUNTY board of ~~supervisors notice shall be given by the~~
15 ~~clerk~~ COMMISSIONERS, THE VILLAGE CLERK SHALL GIVE NOTICE of the
16 time and place when the ~~same~~ PETITION will be presented for
17 consideration, by ~~publishing the same~~ PUBLICATION in a newspa-
18 ~~per published in such village for at least 3~~ OF GENERAL CIRCU-
19 LATION IN THE VILLAGE [AND THE TERRITORY PROPOSED TO BE ANNEXED OR
DETACHED] NOT LESS THAN ONCE EACH WEEK FOR 3

20 CONSECUTIVE weeks immediately preceding the presentation of the
21 ~~same, and if no newspaper is published in such village, then~~
22 PETITION OR by posting the ~~same~~ NOTICE in at least 3 ~~of the~~
23 ~~most~~ public places within the village NOT LOCATED IN ANY TERRI-
24 TORY PROPOSED TO BE ANNEXED OR DETACHED, and in at least 3 ~~of~~
25 ~~the most~~ public places ~~of~~ IN the territory ~~directly affected~~
26 ~~thereby.~~ ~~Such~~ PROPOSED TO BE ANNEXED OR DETACHED. THE notice
27 shall also contain a description of the ~~premises~~ TERRITORY

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1 proposed to be ~~taken in or out of the boundaries of such~~
2 ~~village. At the time of presenting such petition all~~ ANNEXED OR
3 DETACHED.

4 (3) IF A PETITION IS PRESENTED, INTERESTED parties
5 ~~interested~~ may appear before ~~such~~ THE COUNTY board of
6 ~~supervisors~~ COMMISSIONERS and be heard ~~touching the proposed~~
7 ~~boundaries of such village, and after such hearing and due con-~~
8 ~~sideration of such petition, it shall be the duty of the board of~~
9 ~~supervisors to order and determine as to whether the prayer con-~~
10 ~~tained in the petition or any part thereof shall be granted, and~~
11 ~~they shall make an order of such determination, which order shall~~
12 ~~be entered upon their records, and thereupon the boundaries of~~
13 ~~such village shall be fixed and shall exist as provided in such~~
14 ~~order, and a certified copy thereof shall be transmitted to the~~
15 ~~clerk of such village and to the secretary of state, and such~~
16 ~~order shall be prima facie evidence of such change of boundaries~~
17 ~~of such village and of the regularity of such proceedings in all~~
18 ~~courts and places~~ ON THE PROPOSAL. IF THE COUNTY BOARD OF COM-
19 MISSIONERS ENTERS AN ORDER APPROVING THE PETITION, AND IF ON THE
20 DATE THE PETITION OR RESOLUTION WAS FILED MORE THAN 100 PERSONS
21 RESIDED IN THE AREA APPROVED FOR ANNEXATION, THE COUNTY BOARD OF
22 COMMISSIONERS SHALL SEND A CERTIFIED COPY OF ITS ORDER TO THE
23 CLERK OF EACH COUNTY, VILLAGE, AND TOWNSHIP AFFECTED AND TO THE
24 SECRETARY OF STATE. THE COUNTY BOARD OF COMMISSIONERS' ORDER
25 SHALL BECOME FINAL 30 DAYS AFTER THE DATE OF THE ORDER UNLESS
26 WITHIN THAT 30-DAY PERIOD A PETITION IS FILED WITH THE COUNTY
27 ELECTION COMMISSION THAT CONTAINS THE SIGNATURES OF AT LEAST 25%

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1 OF THE REGISTERED ELECTORS RESIDING IN THE PORTION OF THE
2 TERRITORY APPROVED FOR ANNEXATION, IN THE ANNEXING VILLAGE, OR IN
3 THE BALANCE OF THE TOWNSHIP. AFTER VERIFYING THAT THE REFERENDUM
4 PETITION MEETS THE REQUIREMENTS FOR PETITIONS UNDER THE MICHIGAN
5 ELECTION LAW, 1954 PA 116, MCL 168.1 TO 168.992, THE COUNTY ELEC-
6 TION COMMISSION SHALL ORDER THAT A REFERENDUM ON THE QUESTION OF
7 ANNEXATION BE HELD IN EACH AREA FROM WHICH A VALID PETITION WAS
8 FILED. IF A VALID PETITION IS NOT FILED WITHIN 30 DAYS OR IF THE
9 MAJORITY OF THE ELECTORATE VOTING ON THE QUESTION IN EACH AREA IN
10 WHICH A REFERENDUM WAS HELD, VOTING SEPARATELY, APPROVES THE
11 ANNEXATION, THE ANNEXATION SHALL BE EFFECTIVE ON A DATE SET BY
12 ORDER OF THE COUNTY BOARD OF COMMISSIONERS; OTHERWISE THE ANNEXA-
13 TION SHALL NOT TAKE EFFECT.

14 (4) THE COUNTY BOARD OF COMMISSIONERS SHALL NOT APPROVE A
15 PETITION FOR ANNEXATION OR DETACHMENT IF THAT PROPOSED ANNEXATION
16 OR DETACHMENT WAS DISAPPROVED BY THE COUNTY BOARD OF COMMISSION-
17 ERS OR REJECTED BY THE QUALIFIED ELECTORS WITHIN 2 YEARS BEFORE
18 THE DATE THE PETITION IS FILED UNDER SUBSECTION (1), EXCEPT AS
19 OTHERWISE PROVIDED IN SECTION 6C OF THIS CHAPTER.

20 (5) TERRITORY MAY BE ANNEXED TO A VILLAGE FROM A TOWNSHIP
21 ONLY IF THE TERRITORY TO BE ANNEXED DOES NOT CONTAIN ANY REAL
22 PROPERTY OWNED BY THE TOWNSHIP, EXCEPT FOR UTILITIES AND OTHER
23 FACILITIES THAT ARE LOCATED WITHIN A PUBLIC RIGHT-OF-WAY.

24 (6) NOTWITHSTANDING THE PROVISIONS OF SECTION 6B OF THIS
25 CHAPTER, IF THE TERRITORY PROPOSED TO BE ANNEXED TO A VILLAGE IS
26 LOCATED IN A TOWNSHIP AND IS ADJACENT TO AND OWNED BY THE VILLAGE
27 PROPOSING TO ANNEX THE TERRITORY AND IF NO PERSONS RESIDE IN THE

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1 TERRITORY, THE TERRITORY MAY BE ANNEXED UNDER 1 OF THE FOLLOWING
2 METHODS:

3 (A) IF THE TERRITORY WILL BE USED FOR A PUBLIC PURPOSE FOR
4 NOT LESS THAN 8 YEARS FROM THE ADOPTION OF THE RESOLUTION, BY
5 RESOLUTION OF THE VILLAGE COUNCIL. FOR THE PURPOSE OF THIS SUB-
6 DIVISION, TERRITORY IS USED FOR A PUBLIC PURPOSE IF IT IS EXEMPT
7 FROM THE COLLECTION OF TAXES UNDER THE GENERAL PROPERTY TAX ACT,
8 1893 PA 206, MCL 211.1 TO 211.157. THE TOWNSHIP FROM WHICH PROP-
9 ERTY IS ANNEXED UNDER THIS SUBDIVISION MAY FILE A PETITION WITH
10 THE COUNTY BOARD OF COMMISSIONERS AT ANY TIME WITHIN 8 YEARS FROM
11 THE ADOPTION OF THE RESOLUTION, ALLEGING THAT THE PROPERTY
12 ANNEXED IS NOT BEING USED FOR A PUBLIC PURPOSE. IF THE COUNTY
13 BOARD OF COMMISSIONERS FINDS AFTER A HEARING ON THE PETITION THAT
14 THE PROPERTY IS NOT BEING USED FOR A PUBLIC PURPOSE, THE COUNTY
15 BOARD OF COMMISSIONERS SHALL ISSUE AND ENTER IN ITS RECORDS AN
16 ORDER THAT THE PROPERTY BE REATTACHED TO THE TOWNSHIP FROM WHICH
17 IT WAS ANNEXED.

18 (B) BY THE AFFIRMATIVE MAJORITY VOTE OF BOTH THE VILLAGE
19 COUNCIL AND THE TOWNSHIP BOARD.

20 (7) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6), A PRO-
21 POSED ANNEXATION OF TERRITORY IN WHICH 100 OR FEWER PERSONS
22 RESIDED ON THE DATE THE PETITION IS FILED IS SUBJECT TO THE PRO-
23 VISIONS OF SECTION 6B.

24 (8) THE INCORPORATION AS A CITY BY A VILLAGE IS NOT AN
25 ANNEXATION UNDER THIS SECTION.

26 SEC. 6B. (1) THE ANNEXATION OF ANY TERRITORY WITH 100 OR
27 FEWER RESIDENTS TO A VILLAGE FROM A TOWNSHIP FOR WHICH A PETITION

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1 IS FILED WITH THE COUNTY BOARD OF COMMISSIONERS ON OR AFTER THE
2 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION IS
3 SUBJECT TO THE PROCEDURES AND CONDITIONS SET FORTH IN THIS SEC-
4 TION, EXCEPT AS PROVIDED IN SECTION 6C.

5 (2) A VILLAGE, PROPERTY OWNER, OR REGISTERED ELECTOR THAT
6 INTENDS TO PETITION THE COUNTY BOARD OF COMMISSIONERS FOR ANNEXA-
7 TION OF TERRITORY WITH 100 OR FEWER RESIDENTS TO A VILLAGE FROM A
8 TOWNSHIP SHALL PROVIDE WRITTEN NOTICE OF THAT INTENT BY CERTIFIED
9 MAIL, RETURN RECEIPT REQUESTED, TO THE CLERK OF ANY VILLAGE OR
10 TOWNSHIP THAT IS AFFECTED BY THE PROPOSAL AND TO THE COUNTY ELEC-
11 TION COMMISSION.

12 (3) THE VILLAGE AND TOWNSHIP MAY NEGOTIATE AN AGREEMENT CON-
13 CERNING THE ANNEXATION OF THE TERRITORY THAT INCLUDES, BUT IS NOT
14 LIMITED TO, AN AGREEMENT NOT TO CONTEST THE ANNEXATION PETITION
15 BEFORE THE COUNTY BOARD OF COMMISSIONERS, THE SHARING OF TAX REV-
16 ENUES, THE FUTURE LAND USE OF THE TERRITORY, AND ANY OTHER FAC-
17 TORS OR TERMS THAT MAY BE CONSIDERED OR PROVIDED FOR IN A CON-
18 TRACT NEGOTIATED UNDER 1984 PA 425, MCL 124.21 TO 124.30, OR AN
19 INTERLOCAL AGREEMENT NEGOTIATED UNDER THE URBAN COOPERATION ACT
20 OF 1967, 1967 (EX SESS) PA 7, MCL 124.501 TO 124.512.

21 (4) FORTY-FIVE DAYS AFTER RECEIPT OF THE NOTICE UNDER SUB-
22 SECTION (2), IF NO AGREEMENT HAS BEEN REACHED UNDER
23 SUBSECTION (3) BETWEEN THE VILLAGE AND THE TOWNSHIP CONCERNING
24 THE PROPOSED ANNEXATION, A PETITION FOR ANNEXATION OF TERRITORY
25 MAY BE FILED WITH THE COUNTY BOARD OF COMMISSIONERS. ON THE SAME
26 DAY THAT THE PETITION IS FILED, THE PETITIONER SHALL SEND A COPY
27 OF THE PETITION BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO

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1 THE CLERK OF BOTH THE VILLAGE AND TOWNSHIP IN WHICH THE TERRITORY
2 IS LOCATED.

3 (5) IF NO AGREEMENT IS REACHED WITHIN 45 DAYS AFTER RECEIPT
4 OF THE NOTICE UNDER SUBSECTION (2), THE VILLAGE OR THE TOWNSHIP
5 MAY FILE A CLAIM NOT LATER THAN 10 DAYS AFTER THE EXPIRATION OF
6 THAT PERIOD IN THE CIRCUIT COURT ASSERTING THAT THE OTHER PARTY
7 DID NOT PARTICIPATE IN NEGOTIATIONS IN GOOD FAITH. IF THE COURT
8 FINDS THAT THE VILLAGE OR TOWNSHIP DID NOT PARTICIPATE IN NEGOTI-
9 ATIONS IN GOOD FAITH, IT MAY PROVIDE APPROPRIATE EQUITABLE
10 RELIEF, INCLUDING, BUT NOT LIMITED TO, PROHIBITING THE ANNEXATION
11 FOR A PERIOD OF NOT MORE THAN 2 YEARS OR PROHIBITING THE REFEREN-
12 DUM PROVIDED FOR IN SUBSECTION (6).

13 (6) IF, WITHIN 30 DAYS AFTER RECEIPT BY THE CLERK OF THE
14 TOWNSHIP OF THE PETITION FOR ANNEXATION, A PETITION FOR A REFER-
15 ENDUM ON THE QUESTION OF ANNEXATION IS FILED WITH THE COUNTY
16 ELECTION COMMISSION THAT CONTAINS THE SIGNATURES OF AT LEAST 25%
17 OF THE REGISTERED ELECTORS IN THE AFFECTED TOWNSHIP, BASED ON THE
18 MOST RECENT CERTIFICATION OF THE NUMBER OF REGISTERED ELECTORS
19 MADE BY THE TOWNSHIP CLERK TO THE COUNTY CLERK, THE COUNTY ELEC-
20 TION COMMISSION SHALL CERTIFY THAT THE REFERENDUM PETITION MEETS
21 THE REQUIREMENTS FOR PETITIONS UNDER THE MICHIGAN ELECTION LAW,
22 1954 PA 116, MCL 168.1 TO 168.992, AND CALL A SPECIAL ELECTION
23 FOR THE REFERENDUM TO BE HELD IN THE TOWNSHIP WITHIN WHICH THE
24 TERRITORY PROPOSED FOR ANNEXATION IS LOCATED. IF A TOWNSHIP REF-
25 ERENDUM PETITION IS CERTIFIED, THE GOVERNING BODY OF THE VILLAGE
26 MAY ALSO SCHEDULE A REFERENDUM ON THE ANNEXATION TO BE HELD ON
27 THE SAME DAY IN THE VILLAGE. UP TO 30 DAYS AFTER THE REFERENDUM

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1 PETITION IS FILED, THE GOVERNING BODY OF THE VILLAGE OR TOWNSHIP
2 MAY ADOPT A RESOLUTION TO DELAY SCHEDULING THE REFERENDUM TO
3 ALLOW TIME FOR THE VILLAGE AND TOWNSHIP TO CONTINUE NEGOTIATIONS
4 CONCERNING THE ANNEXATION. UPON ADOPTION OF A RESOLUTION BY THE
5 GOVERNING BODY OF THE VILLAGE OR TOWNSHIP, THE SCHEDULING OF THE
6 REFERENDUM SHALL BE DELAYED UNTIL 90 DAYS AFTER THE DATE ON WHICH
7 THE REFERENDUM PETITION IS CERTIFIED. THE COUNTY ELECTION COM-
8 MISSION SHALL NOT MEET TO SCHEDULE THE REFERENDUM UNTIL 30 DAYS
9 AFTER THE PETITION IS FILED. THE SPECIAL ELECTION SHALL BE HELD
10 NOT LESS THAN 60 DAYS OR MORE THAN 90 DAYS AFTER THE COUNTY ELEC-
11 TION COMMISSION MEETS TO SCHEDULE THE ELECTION UNDER THIS SUBSEC-
12 TION, UNLESS A PRIMARY OR REGULAR ELECTION, OR A SPECIAL ELECTION
13 CALLED FOR ANOTHER PURPOSE, OCCURS NOT LESS THAN 60 DAYS OR MORE
14 THAN 90 DAYS AFTER THE REFERENDUM PETITION IS FILED. IN THAT
15 EVENT, THE REFERENDUM SHALL BE SUBMITTED AT THAT PRIMARY, REGU-
16 LAR, OR SPECIAL ELECTION AND AN ADDITIONAL SPECIAL ELECTION SHALL
17 NOT BE CALLED.

18 (7) IF A PETITION CONTAINING SUFFICIENT VALID SIGNATURES FOR
19 A REFERENDUM ON THE QUESTION OF ANNEXATION IS NOT FILED WITH THE
20 COUNTY ELECTION COMMISSION UNDER SUBSECTION (6), THE COUNTY BOARD
21 OF COMMISSIONERS SHALL PROCEED TO PROCESS THE ANNEXATION PETITION
22 UNDER SECTION 6.

23 (8) IF AN AGREEMENT UNDER SUBSECTION (3) IS REACHED 30 DAYS
24 BEFORE THE DATE OF AN ELECTION SCHEDULED UNDER SUBSECTION (6),
25 THE REFERENDUM SHALL NOT BE HELD. IF NO AGREEMENT IS REACHED,
26 THE REFERENDUM SHALL BE HELD AS ORDERED BY THE COUNTY ELECTION
27 COMMISSION. THE ANNEXATION SHALL BE ALLOWED TO OCCUR ONLY IF A

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1 MAJORITY OF THE ELECTORS VOTING ON THE ISSUE IN THE TOWNSHIP
2 WITHIN WHICH THE TERRITORY PROPOSED FOR ANNEXATION IS LOCATED,
3 AND IN THE VILLAGE IF IT HOLDS AN ELECTION UNDER SUBSECTION (6),
4 COUNTED SEPARATELY, VOTE FOR THE ANNEXATION.

5 (9) IF A MAJORITY OF THE ELECTORS VOTING ON THE ISSUE IN THE
6 TOWNSHIP WITHIN WHICH THE TERRITORY PROPOSED FOR ANNEXATION IS
7 LOCATED VOTE FOR THE ANNEXATION, AND A MAJORITY OF THE ELECTORS
8 VOTING ON THE ISSUE IN THE VILLAGE VOTE FOR THE ANNEXATION IF IT
9 HOLDS AN ELECTION UNDER SUBSECTION (6), AND THE COUNTY BOARD OF
10 COMMISSIONERS APPROVES THE ANNEXATION UNDER SECTION 6(3), THE
11 COUNTY BOARD OF COMMISSIONERS SHALL SEND A CERTIFIED COPY OF ITS
12 ORDER TO THE CLERK OF EACH COUNTY, VILLAGE, AND TOWNSHIP AFFECTED
13 AND TO THE SECRETARY OF STATE. THE ANNEXATION SHALL BE EFFECTIVE
14 ON A DATE SET FORTH IN THE COUNTY BOARD OF COMMISSIONERS' ORDER.

15 SEC. 6C. IF THE GOVERNING BODIES OF A VILLAGE AND TOWNSHIP
16 APPROVE BY RESOLUTION AN AGREEMENT TO ANNEX, OR NOT TO CONTEST
17 THE ANNEXATION OF, TERRITORY IN THE TOWNSHIP WITH 100 OR FEWER
18 RESIDENTS BEFORE A PETITION FOR ANNEXATION IS FILED WITH THE
19 COUNTY BOARD OF COMMISSIONERS, THE PROVISIONS OF SECTION 6B DO
20 NOT APPLY AND A PETITION FOR ANNEXATION MAY BE FILED AT ANY TIME.

21 SEC. 6D. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
22 ACT, TERRITORY MAY BE DETACHED FROM A VILLAGE TO A TOWNSHIP ONLY
23 IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

24 (A) THE TERRITORY TO BE DETACHED DOES NOT CONTAIN ANY REAL
25 PROPERTY OWNED BY THE VILLAGE, EXCEPT FOR UTILITIES AND OTHER
26 FACILITIES THAT ARE LOCATED WITHIN A PUBLIC RIGHT-OF-WAY.

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1 (B) THE TERRITORY TO BE DETACHED WAS NOT ANNEXED WITHIN THE
2 PREVIOUS 2 YEARS, CALCULATED FROM THE DATE THAT THE MOST RECENT
3 ANNEXATION OF THAT TERRITORY, IF ANY, WAS COMPLETED.

4 (C) THE DETACHMENT IS APPROVED BY A MAJORITY VOTE OF THE
5 QUALIFIED ELECTORS RESIDING IN EACH OF THE FOLLOWING, COUNTED
6 SEPARATELY:

7 (i) THE TERRITORY PROPOSED TO BE DETACHED FROM THE VILLAGE.

8 (ii) THE REMAINING PORTION OF THE VILLAGE.

9 (iii) THE TOWNSHIP TO WHICH THE TERRITORY WILL BE ATTACHED.

10 Enacting section 1. This amendatory act does not take
11 effect unless all of the following bills of the 91st Legislature
12 are enacted into law:

13 (a) House Bill No. 4721.

14 (b) House Bill No. 4722.

15 (c) House Bill No. 4723.

16 (d) House Bill No. 4724.

17 (e) House Bill No. 4725.